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10 Attorneys for Plaintiff,
11 PHILADELPHIA INDEMNITY INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 PHILADELPHIA INDEMNITY
16 INSURANCE COMPANY, a
17 Pennsylvania corporation,
18 Plaintiff,

19 v.

20 MARKEL INSURANCE COMPANY,
21 a Virginia corporation;
22 Defendant.

Civil Action No.: 3:13-cv-05013-EDL

STIPULATION TO DISMISS
ACTION WITH PREJUDICE;
[PROPOSED] ORDER

Courtroom: E – 15th Floor

HONORABLE
ELIZABETH D. LAPORTE

23 Plaintiff Philadelphia Indemnity Insurance Company and defendant Markel
24 Insurance Company, through their undersigned counsel of record, hereby stipulate
25 that this action be dismissed with prejudice, and request for an order from this Court
26 dismissing the action with prejudice for good cause, as follows:

27 1. Plaintiff filed this contribution action on October 28, 2013. On January
28 27, 2014, plaintiff filed a motion for summary judgment, which motion is set for

1 hearing in this court on June 17, 2014 at 9:00 a.m. In said motion, plaintiff sought
 2 an order for summary judgment that Markel be found liable to Philadelphia for the
 3 remainder of Markel's fifty-percent share of the defense and settlement expenses for
 4 the underlying lawsuit entitled *Bryanna Robles v. Gregory Tatton, Sonoma Valley*
 5 *Youth Soccer Association, Inc., Sam Honey and Does 1-20*, Sonoma Superior Court
 6 No. SCV 247799.

7 2. All parties attended a mediation on April 7, 2014, in front of mediator
 8 Gilda R. Turitz in San Francisco, California. That mediation commenced at 10:30
 9 a.m., and concluded around 3:00 p.m. without a settlement.

10 3. A settlement of the action was reached by Markel and Philadelphia on
 11 April 14, 2014. The final settlement agreement was signed by both parties on May
 12 22, 2014.

13 4. Accordingly, the parties agree that this action should be dismissed with
 14 prejudice at this time, and request an Order dismissing the action with prejudice.
 15 Each party will bear his or its own costs and expenses.

16
 17 RESPECTFULLY SUBMITTED:

18
 19 Dated: May 28, 2014

NIELSEN, HALEY & ABBOTT LLP

20 By: /s/ Christine B. Cusick

Christine B. Cusick

Attorneys for Plaintiff

PHILADELPHIA INDEMNITY INSURANCE CO.

21
 22
 23
 24 Dated: May 28, 2014

MICHELMAN & ROBINSON, LLP

25 By: /s/ Lydia E. Hachmeister

LYDIA E. HACHMEISTER

Attorneys for Defendant

MARKEL INSURANCE CO.

1 ~~[PROPOSED]~~ ORDER

2
3 UPON REVIEW OF THE STIPULATION BETWEEN AND AMONG THE
4 PARTIES, AND GOOD CAUSE BEING SHOWN, THEREFORE,
5 IT IS HEREBY ORDERED that this action is dismissed with prejudice. Each
6 party will bear his or its own costs.
7

8
9 Date: May 29, 2014


UNITED STATES MAGISTRATE JUDGE